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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

August 13, 2018

Mr. Nico Ortiz, Owner
Turtle Mountain Brewing Co.
905 36th Place SE
Rio Rancho, New Mexico 87124

Re: **Turtle Mountain Brewing Co.; SIC 2082; MSGP Compliance Evaluation Inspection; NPDES # NMU001975; August 8, 2018**

Dear Mr. Ortiz;

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are listed in the report. You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Turtle Mountain Brewing Co.
August 13, 2018
NMU001975

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at daniel.valenta@state.nm.us.

Sincerely,

/s/Sarah Holcomb

Sarah Holcomb
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
John Rhoderick, NMED District I by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 7 5 11 12 1 8 0 8 0 8 17 18 ~ 19 S 20 2					
Remarks					
S E C T O R U B R E W I N G B E E R					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N 72 N 73 74 75 80			

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1215 Hours/8-8-2018	Permit Effective Date 6-4-2015
Turtle Mountain Brewing Co. 905 36 th Place SE, Rio Rancho, New Mexico 87124 Bernalillo County	Exit Time/Date 1235 Hours/8-8-2018	Permit Expiration Date 6-4-2020
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. Nico Ortiz, Owner, 505-994-9497 cell 505-238-3032	N. 35.242519 W. -106.664925	
Name, Address of Responsible Official/Title/Phone and Fax Number	SIC 2082 Sector U	
Mr. Nico Ortiz, 905 36 th Place SE, Rio Rancho, New Mexico/Owner/ 505-994-9497 cell 505-238-3032	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Inspectors arrived on site at 1215 on 8/8/2018, conducted entrance interview with Mr. Nico Ortiz, during which the Inspectors made introductions, and explained the purpose of the inspection.
2. This report is based on a review of the files maintained by the permittee and NMED, on-site observations by NMED personnel, and verbal information provided by the facility's representative.
3. An exit interview to discuss the preliminary finding of the inspection was conducted at approximately 1235 on 8/8/2018 with Mr. Nico Ortiz at the site.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
DANIEL VALENTA /s/Daniel Valenta	NMED/SWQB 505-827-2575	8/14/2018
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
JENNIFER FOOTE /s/Jennifer Foote	505-827-0596	8/14/2018

Turtle Mountain Brewing Co.
NMU001975
August 8, 2018

Further Explanation

Introduction

On August 8, 2018, a Compliance Evaluation Inspection (CEI) was conducted at Turtle Mountain Brewing Co. at 905 36th Place SE, Rio Rancho, New Mexico 87124 in Berilillo County by Mr. Daniel Valenta and Ms. Sandra Gabaldon of the New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB).

The purpose of this inspection was to document the operator's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and the industrial stormwater Multi-Sector General Permit (MSGP). Turtle Mountain Brewing Co. is a neighborhood brewpub (see Standard Industrial Classification (SIC) code 2082) that meets the description in Category 40 CFR 122.26(b) (14), and Sector U of the MSGP.

Upon arrival at 1215 hours on August 8, 2018 the inspectors made introductions and stated the purpose of the inspection to the Owner, Mr. Nico Ortiz. We discussed why facilities listed under SIC code 2082 needed an MSGP, where and how to apply for one. A No Exposure Certification application as well as printed material describing the MSGP was given to the owner. The inspector left the facility at approximately 1235 hours.

This report is based on review of EPA's on-line notice of intent (eNOI & ICIS) database, files maintained by NMED, and on-site observation by NMED personnel, and verbal information provided by the operator's on-site representative.

In 2013, EPA Region 6 Water Quality Management Division issues the DRAFT Middle Rio Grande Watershed Based MS4 General Permit No. NMR04A000. The Middle Rio Grande becomes one of three national pilot projects for watershed-based MS4 storm water permits. Geographically, the densely developed urban area is centered on the Rio Grande, which is impaired for E. coli and polychlorinated biphenyls (PCBs) all of which are associated with urban runoff.

Stormwater may discharge from the facility into the City of Rio Rancho MS4 that discharges into the Rio Grande in the Rio Grande basin, Segment 20.6.4.106 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). Designated uses are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and primary contact.

Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

The USEPA's MSGP was re-issued effective June 4, 2015 which expires on June 4, 2020. It replaced the 2008 MSGP which expired on September 29, 2013.

Common requirements for coverage under an industrial stormwater permit include development of a written stormwater pollution prevention plan (SWPPP), implementation of control measures, and submittal of a request for permit coverage, usually referred to as the Notice of Intent or NOI. The SWPPP is a written assessment of potential sources of pollutants in stormwater runoff and control measures that will be implemented at your facility to minimize the discharge of these pollutants in runoff from the site.

These control measures include site-specific best management practices (BMPs), maintenance plans, inspections, employee training, and reporting. The procedures detailed in the SWPPP must be implemented by the facility and updated as necessary, with a copy of the SWPPP kept on-site.

The industrial stormwater permit also requires collection of visual, analytical, and/or compliance monitoring data to determine the effectiveness of implemented BMPs. For more information on EPA's industrial stormwater permit go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

A SWPPP should include the following information:

- A description of potential pollutant sources – includes a site map, an identification of the types of pollutants that are likely to be present in stormwater discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from specific activities at the facility, and identification of specific potential pollutants; and
- A description of appropriate measures and controls – includes the type and location of existing and proposed non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to stormwater. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-storm water evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional stormwater management practices, where appropriate.

An industrial stormwater fact sheet for Sector U: Food and Kindred Products Facilities including a summary of typical pollutants associated with activities and types of stormwater control measures (BMPs) used to minimize the discharge of those pollutants is available at USEPA's website: <https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>.

Findings:

As of the time of the inspection the facility did not have an NPDES MSGP active or expired permit in place for stormwater discharges into the city MS4 and thus into the Rio Grande. The facility is fairly level and appeared clean and orderly.

More information concerning the MSGP can be found at <https://www.epa.gov/npdes/final-2015-msgp-documents>. The No Exposure Certification was discussed with Mr. Ortiz and can be found at https://www.epa.gov/sites/production/files/2018-03/documents/msgp2015_appendixk_fillable.pdf

**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: August 8, 2018	Time: 1233 hours
City/County: Rio Rancho/Sandoval		
Location: 905 36 th Place SE, Rio Rancho New Mexico		
Subject: Side doors where freight and waste material is loaded and unloaded.		

